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CERTIFICATION OF FACSIMILE TRANSMISSION

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Renee Y. Edwards

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Signature

571 273 8300

Date

Oct 18, 2005

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: GADSKI Robert Alan

Serial No.: 10/523071

Application Date: August 15, 2003

US Nat'l Entry

Date (if applicable):

For: SUBSTITUTED AZEPINES AS HISTAMINE H3 RECEPTOR
ANTAGONISTS, PREPARATION AND THERAPEUTIC USES

Docket No.: X14988

Group Art Unit:

Examiner:

Conf No.:

RESPONSE TO NOTICE TO FILE MISSING PARTSCommissioner for Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to a "Notice to File Missing Parts of Application" dated August 18, 2005, noting the absence of a declaration from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and 2) a Declaration required under 37 C.F.R. 1.497(a).

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required by §1.16(e). The Commissioner is hereby authorized to charge any additional fees which

10/21/2005 LLANDGRA 00000064 050840 10523071

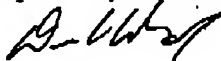
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Docket/Serial No. X-14988/10523,071

may be required by this Response, or credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

Respectfully submitted,



Dan L. Wood
Attorney for Applicants
Registration No. 48,613
Phone: 317-277-3366

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

10/18/05



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
10/523,071	Robert Alan Gadski	X14988

25885
ELI LILLY AND COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-8288

INTERNATIONAL APPLICATION NO	
PCT/US03/23266	
1A FILING DATE	PRIORITY DATE
08/15/2003	08/20/2002

CONFIRMATION NO. 8397
371 FORMALITIES LETTER
OC000000016804757
OC000000016804757

DLW
Due - 10-18-05

Date Mailed: 08/18/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.485).

- Copy of the International Application filed on 02/01/2005
- Copy of the International Search Report filed on 02/01/2005
- Copy of IPE Report filed on 02/01/2005
- Preliminary Amendments filed on 02/01/2005
- Information Disclosure Statements filed on 02/01/2005
- U.S. Basic National Fees filed on 02/01/2005
- Priority Documents filed on 02/01/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.18(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO	ATTY DOCKET NO
10/523,071	PCT/US03/23266	X14988

FORM PCT/DO/EO/905 (371 Formalities Notice)